

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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U.S. DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MARK REAVES,

Plaintiff,

v.

MASSACHUSETTS ARMY NATIONAL
GUARD, RAYMOND VEZINA, ROBERT
JORDAN, THOMAS SELLARS, and
RICHARD NAGEL,

Defendants.

CIVIL ACTION NO. 04-30125-KPN

**DEFENDANTS' MOTION TO EXTEND TIME PERIOD
WITHIN WHICH TO SERVE PLEADING(S) RESPONSIVE TO
OR MOTION(S) CONCERNING THE COMPLAINT**

All defendants – Massachusetts Army National Guard (“MANG”), Raymond Vezina (“Vezina”), Robert Jordan (“Jordan”), Thomas Sellars (“Sellars”), and Richard Nagel (“Nagel”) – by and through the Attorney General of the Commonwealth of Massachusetts – move, pursuant to FED. R. CIV. P. 6(b), 12(a)(1), and 15(a), that the Court enlarge until July 27, 2005, the time period within which each of them may serve a pleading responsive to or a motion concerning the complaint.

As grounds for this motion, the moving parties state the following: In this civil action, under Title VII of the Civil Rights Act of 1964, plaintiff Mark Reaves (“Reaves”) alleges that he was discriminated against as a member of MANG because of his race and sex between September 30, 1996, and November 25, 1997, when he was discharged from MANG. Complaint (docket, paper no. 1), ¶¶ 4, 4(i). He also alleges that he discovered in 1998 that a white female member of MANG

was given preferential treatment. Complaint, ¶ 4(j). The defendants appear to have common defenses, including the threshold matter of intra-military immunity.

The current enlargement for MANG, Vezina, Sellars, and Nagel expires today, June 27, 2005. Jordan only became aware of this action last week, having been discharged from MANG on September 1, 2000, years before this action was filed. The United States Attorney's Office will not be representing Jordan, Sellars or Nagel. These three individuals have not formally requested representation by the Office of the Massachusetts Attorney General, but the undersigned has received oral authorization to file this motion on their behalf. The undersigned has been informed that Sellars is in the military service of the United States in Iraq and will not be returning to Massachusetts until July 12, 2005. The interests of judicial economy militate toward the Court having in front of it all defendants' pleading(s) responsive to or motion(s) concerning the complaint before proceeding further.¹

LR. 7.1(A)(2) CERTIFICATION

The undersigned certifies that he has conferred with Reaves and attempted in good faith to resolve or narrow the issue. Reaves does not assent to this motion.

¹

The defendants also note that plaintiff Mark Reaves filed this action on July 1, 2004, and thereafter sought enlargements of time, until May 1, 2005, to serve the defendants (docket, papers nos. 3-5).

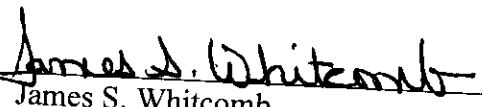
CONCLUSION

Wherefore, all defendants respectfully request that this Court allow this motion, enlarging until July 27, 2005, the time period within which each of them may serve a pleading responsive to or a motion concerning the complaint.

By their attorney,

THOMAS F. REILLY
ATTORNEY GENERAL

By:


James S. Whitcomb
Assistant Attorney General
Western Massachusetts Division
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B.B.O. No. 557768

DATED: June 27, 2005.

CERTIFICATE OF SERVICE

I, James S. Whitcomb, Assistant Attorney General, hereby certify that on this 27th day of June, 2005, I served the foregoing *Defendants' Motion to Extend Time Period Within Which to Serve Pleading(s) Responsive to or Motion(s) Concerning the Complaint* by either having mailed, by first class mail, postage prepaid, or by having delivered – as indicated below – a true copy of the document to each of the following:

Mark Reaves, pro se
24 Ionia Street
Springfield, MA 01109
(Mailed)

Karen L. Goodwin, A.U.S.A.
1550 Main Street, Room 310
Springfield, MA 01103-1422
(Delivered)


James S. Whitcomb